

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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DAMIEN NEITA,

Plaintiff,

-against-

ORDER

15-CV-0649 (JS) (AKT)

PRECISION PIPELINE SOLUTIONS,  
RANDY SOOHOO, and JASON GONG,

Defendants.

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APPEARANCES:

For Plaintiff: Damien Neita, pro se  
55 Sage Street  
Central Islip, NY 11722

For Defendants: No appearance

SEYBERT, District Judge:

On February 6, 2015, pro se plaintiff Damien Neita ("Plaintiff") filed a Complaint pursuant to Title VII of the Civil Rights Act of 1964 ("Title VII"), as codified, 42 U.S.C. §§ 2000e to 2000e-17, against Precision Pipeline Solutions ("Pipeline"), Randy Soohoo ("Soohoo"), and Jason Gong ("Gong" and collectively, "Defendants") alleging, inter alia, that Defendants discriminated against him on the basis of his race. Plaintiff's Complaint is accompanied by an application to proceed in forma pauperis.

Upon review of Plaintiff's declaration in support of his application to proceed in forma pauperis, the Court finds that Plaintiff's financial status qualifies him to commence this action without prepayment of the filing fees. See 28 U.S.C. § 1915(a)(1). Accordingly, Plaintiff's application to proceed in forma pauperis is GRANTED. However, because "individuals are not subject to

liability under Title VII," see Wrighten v. Glowski, 232 F.3d 119, 120 (2d Cir. 2000) (citing Tomka v. Seiler Corp., 66 F.3d 1295, 1313 (2d Cir. 1995)), Plaintiff's claims against Soohoo and Gong are not plausible as a matter of law and are thus DISMISSED.

The Court ORDERS service of the Complaint by the United States Marshal Service ("USMS") without prepayment of the filing fee on the remaining Defendant, Pipeline. The Clerk of the Court shall forward the Summons, the Complaint, and this Order to the USMS and the USMS shall serve the Defendant.

The Clerk of the Court is further directed to mail a copy of this Order to the pro se Plaintiff.

SO ORDERED.

/s/ JOANNA SEYBERT  
Joanna Seybert, U.S.D.J.

Dated: June 2, 2015  
Central Islip, New York